

**RECEIVED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
DEC 09 2020  
**JAMES W. McCORMACK, CLERK**  
**BY:**  
**LISA A. HICKS**

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS**

**PLAINTIFF**

**VS.**

**NO: 4:20-CV-1175-KGB-PSH**

**ANDREW SAUL, COMMISSIONER,  
SOCIAL SECURITY ADMINISTRATION**

**DEFENDANT**

**COMPLAINT FOR JUDICIAL  
REVIEW OF ADMINISTRATIVE  
DETERMINATION ON SOCIAL SECURITY BENEFITS**

Comes the Plaintiff, Lisa Hicks, by and through her attorney, Sherri Arman McDonough, of Lane, Muse, Arman & Pullen, and for her cause of action against the Defendant, Andrew Saul, Commissioner of Social Security Administration of the United States of America, states:

**I.**

The Plaintiff is an adult resident of the County of Jefferson, State of Arkansas, residing in the town of White Hall.

**II.**

The Defendant is the Commissioner of the Social Security Administration of the United States of America, and at all times heretofore and hereinafter mentioned was in the exercise of his duties as such.

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III.

This action is brought under the provisions of Title 42, U.S.C.A. §405(g), together with Title V, U.S.C.A. §706, along with provisions under 20 C.F.R. 404.970(a)(3) and 416.1470(a)(3), to review the final decision or decisions of the Defendant herein.

IV.

The Plaintiff filed an application for Disability Insurance Benefits for a disability beginning February 19, 2018 and the said benefits were denied to Plaintiff at the initial application and reconsideration stages. Thereafter, the Plaintiff requested a hearing before an administrative law judge, said hearing being held in Pine Bluff, Arkansas resulted in a denial of benefits to Plaintiff. The ALJ entered an Unfavorable Decision on April 7, 2020. On August 13, 2020 the Appeals Council wrote a letter to the Plaintiff concluding there was no basis under the Social Security Administration Regulations for granting Plaintiff a request for review, and accordingly, affirmed the decision of the Administrative Law Judge. This decision stands as the final decision of the Commissioner.

V.

Plaintiff has therefore fully and completely exhausted her administrative remedies. The Complaint is timely filed within the regulations allowing said action.

VI.

The Plaintiff has a limited education and limited past work experience. The Plaintiff can no longer engage in her past relevant work and is unable to transfer her skills into other occupations.

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**VII.**

The finding of the Defendant that Plaintiff was not disabled was not based upon substantial evidence nor in accordance with the purpose and intent of the Social Security Act. Neither is it in accordance with the law nor the evidence, in that the Plaintiff is disabled from performing substantial gainful activity and has remained in said condition since the onset of her disability.

**VIII.**

Further pleading, Plaintiff also proved at the hearing that she is unable to perform any substantial gainful activity and established that she has no transferrable skills to use in allowing her to change occupations. The Defendant has failed to produce competent testimony by way of vocational experts or other witnesses in regard to any work that may be available to the Plaintiff in the national economy, at any exertional level, and has therefore failed to go forward with the Defendant's burden of proof in this case. Plaintiff continues to assert her inability to work, even at the sedentary level of activity as defined within the Social Security Regulations.

WHEREFORE, Plaintiff prays the Commissioner of the Social Security Administration, the Defendant herein, be required to answer this Complaint and to file a certified copy of the transcript of the record, including the evidence on which said findings and decisions are based, that the decision of the Administrative Law Judge and Appeals Council be reviewed, reversed and set aside, and that the claim of the Plaintiff, Lisa Hicks, for disability benefits be allowed as of February 19, 2018 or in the alternative, the decision of

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the Administrative Law Judge and Appeals Council be reviewed, reversed and remanded back to the Defendant herein to allow the introduction of further testimony regarding the Plaintiff's ability to engage in substantial gainful activity since February 19, 2018, including testimony of a vocational adviser concerning any jobs in existence which the Plaintiff could perform, and for all other just and proper relief.

Respectfully submitted,



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